

MEMORANDUM

December 4, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CHRISTOPHER GARDNER, ESQ.
Patterson, Ritner, Lockwood, Gartner & Jurich

NARBEH BAGDASARIAN
Deputy County Counsel
Health Services Division

RE: Jeremy Tang, et al. v. County of Los Angeles
Los Angeles County Superior Court, Case No. TC 018583

DATE OF
INCIDENT: February 7, 2004

AUTHORITY
REQUESTED: \$167,000.00

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

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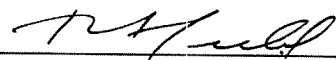
Approve

☐

Disapprove

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Recommend to Board of
Supervisors for Approval



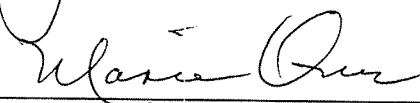
ROCKY ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on December 18, 2006

SUMMARY

This is a recommendation to settle for \$167,000.00, the wrongful death/medical negligence lawsuit brought by Jeremy Tang, Jay Tang, Joyce Tang and Ha Huynh, for the death of Moui Tang, who died at Harbor/UCLA Medical Center.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On December 11, 2003, Muoi Tang, a 55-year-old female, was admitted to Harbor/UCLA Medical Center. She had cervical spine stenosis (a condition whereby the vertebrae in the neck area compress the spinal cord). The plan was to perform a surgery to correct her condition by decompressing the spinal cord. The December 11, 2003, surgery began at 11:55 a.m. and was completed at 2:15 p.m.

At around 5:00 p.m. on December 11, 2003, the patient was transferred to the neurosurgery floor. To avoid the risk of blood clotting, medical personnel ordered 5000 units of Heparin (a medication that thins the blood but makes the patient more susceptible to bleeding) for the patient to begin the following morning, on December 12, 2003. The patient, however, received 5000 units of Heparin on December 11, 2003, around 10:20 p.m. It is unlikely that this error directly contributed to the patient's injuries.

At around 8:00 a.m. on December 12, 2003, when the patient was about to undergo a CT scan (an imaging study), personnel noted fresh blood draining from the surgical site. By 9:00 p.m. on the same day, personnel noted that the patient was suffering from neurological problems, including weakness. The patient's neurological condition continued to deteriorate. However, Ms. Tang was not taken to surgery for exploration until around 5:45 a.m. on December 13, 2003. The surgeons found bleeding around the surgical site which was causing compression of the spinal cord. This compression led to the patient's paralysis.

On January 4, 2004, at around 10:56 p.m., a code blue was called because the personnel noted that the patient had difficulty breathing. The patient was resuscitated, but it was determined that she had suffered irreversible hypoxic encephalopathy (a condition caused by lack of oxygen to the brain) because of her respiratory condition.

Because of her severe brain injury, the patient entered into a vegetative condition. After discussing the patient's condition with the personnel, the family decided to withdraw life support. On February 7, 2003, all care except IV fluids and Morphine was discontinued. The patient was pronounced dead at 2:30 p.m. on the same day.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Pain and Suffering (MICRA Limit)	\$250,000.00
Medi-Cal Lien	\$ 35,252.50
Funeral costs	\$ <u>30,000.00</u>
 TOTAL	 \$315,252.50

The proposed settlement includes:

Pain and Suffering	\$ 94,850.00
Attorney's Fees (MICRA Estimate)	\$ 47,150.00
Costs of Litigation	\$ <u>25,000.00</u>
 TOTAL	 \$167,000.00

STATUS OF CASE

The plaintiffs brought this lawsuit against the County of Los Angeles. The current trial date has been vacated pending approval of this settlement.

This matter involved several medical issues surrounding the care and treatment rendered to Moui Tang at Harbor/UCLA Medical Center. In addition to the normal discovery in such matters, it was necessary to retain medical experts to review the care rendered by the County personnel and the extent of the plaintiffs' damages.

Expenses incurred by the County of Los Angeles in the defense of this case through March 8, 2006, are attorney's fees of \$35,484.00 and \$15,121.99 in costs.

The total cost to the County of Los Angeles as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$167,000.00
County Attorney's Fees and Costs	\$ 50,605.99
Medi-Cal Lien	\$ <u>0.00</u>
 TOTAL	 \$217,605.99

EVALUATION

Medical experts will be critical of the delay in performing the second surgery on Moui Tang. This delay fell below the standard of care and is responsible for the condition which led to Ms. Tang's death.

We join with our private counsel, Christopher Gardner, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$167,000.00.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment